

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHEN CHONG SHU,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 03-409E
v.	)	
	)	Judge McLaughlin
UNITED STATES OF AMERICA,	)	Magistrate Judge Baxter
	)	
Defendant.	)	

**DEFENDANT’S MOTION TO EXTEND DISCOVERY**

AND NOW, comes Defendant, the United States of America (hereinafter “Defendant”), by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Christy Criswell Wiegand, Assistant United States Attorney for said district, and respectfully requests that this Honorable Court enter an order extending discovery, stating as follows:

**PROCEDURAL HISTORY**

1. Plaintiff, a federal inmate, brought this pro se medical malpractice and negligence action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2670, et seq. (hereinafter “FTCA”), on December 15, 2003. See Docket No. 1.
2. Discovery in this action is currently scheduled to close on September 26, 2005.
3. On June 30, 2005, filed a Motion for Leave to Depose Plaintiff. This Court granted the Motion for Leave to Depose on July 6, 2005, and Plaintiff’s deposition was scheduled to take place on September 14, 2005, at FCI McKean. Counsel for the Defendant had been informed by the Bureau of Prisons that Plaintiff was not a native-English speaker, and that he would

require the assistance of a Korean translator at his deposition. Accordingly, Counsel for the Defendant arranged for a Korean translator to be present for the September 14, 2005 deposition.

4. On September 13, 2005, Counsel for the Defendant traveled to FCI McKean for the purpose of taking Plaintiff's deposition the following day, with the assistance of a Korean translator. While at FCI McKean on September 13, 2005 Counsel for the Defendant learned, for the first time, that Plaintiff speaks Mandarin Chinese, as opposed to Korean.
5. In order to confirm that Plaintiff's native language is Mandarin Chinese, and not Korean, Counsel for the Defendant met with Plaintiff in person on the morning of September 14, 2005, for approximately ten minutes. Joyce Horikawa, agency counsel for the Bureau of Prisons, was also present for this meeting. During the meeting, Plaintiff confirmed that his native language is Mandarin Chinese, that he did not wish to proceed with a deposition in English, and that he would like a Mandarin interpreter to be present for the deposition.
6. Counsel for the Defendant indicated to Plaintiff that she would promptly seek leave of court to reschedule the deposition, and would also retain a Mandarin translator to attend the deposition. Plaintiff indicated that he was in agreement with this course of action.
7. Counsel for the Defendant has now obtained a Mandarin translator who is available to assist with the deposition, and has requested leave of court to take the Plaintiff's deposition upon oral examination at FCI McKean, Bradford, Pennsylvania on October 13, 2005.
8. In addition, discovery materials obtained by Defendant to date reveal that Defendant may need to hire an additional medical expert in order to defend this case. Accordingly, Defendant requires additional time to obtain expert review of Plaintiff's medical records.

9. Because of the need to accomplish Plaintiff's deposition with the assistance of a Mandarin translator, and because discovery conducted to date reveals the need for additional expert review of Plaintiff's medical records, Defendant respectfully requests that the Court grant a sixty (60) day extension of discovery, until November 25, 2005.
10. This motion to extend discovery will not prejudice the Plaintiff.
11. The pro se Plaintiff is incarcerated and therefore was not available for consultation regarding his consent or opposition to this Motion.

**CONCLUSION**

WHEREFORE, for the foregoing reasons, Defendant, the United States of America, respectfully requests that this Honorable Court enter an Order extending the discovery period by sixty (60) days, until November 25, 2005.

Respectfully submitted,  
MARY BETH BUCHANAN  
United States Attorney

\s\ Christy Criswell Wiegand  
CHRISTY CRISWELL WIEGAND  
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Western District of PA  
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(412) 644-3500

Counsel for Defendant

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served this date a copy of the within **DEFENDANT'S**  
**MOTION TO EXTEND DISCOVERY** by first-class United States mail, upon the following:

Chen Chong Shu  
Reg. No. 48744-054  
FCI McKean  
P.O. Box 8000  
Bradford, PA 16701

\s\ Christy Criswell Wiegand  
CHRISTY CRISWELL WIEGAND  
Assistant U.S. Attorney

Dated: September 19, 2005